

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Mary Carsten,

Plaintiff,

v.

Case No. 12-11881

Diversified Adjustment Service, Inc.,

Honorable Sean F. Cox

Defendant.

**ORDER DECLINING TO EXERCISE SUPPLEMENTAL
JURISDICTION OVER STATE-LAW CLAIMS AND
AND DISMISSING THOSE CLAIMS WITHOUT PREJUDICE**

Plaintiff filed this action on April 26, 2012, based upon federal question jurisdiction. Plaintiffs' complaint asserts six counts. Although this Court has federal question jurisdiction over Count I, the remaining counts are based upon state law.

The applicable statute regarding supplemental jurisdiction, 28 U.S.C. § 1367, provides, in pertinent part, that district courts may decline to exercise supplemental jurisdiction over a claim when:

- 1) the claim raises a novel or complex issue of State law;
- 2) the claim substantially predominates over the claim or claims over which the district court has original jurisdiction;
- 3) the district court has dismissed all claims over which it has original jurisdiction, or
- 4) in exceptional circumstances, there are other compelling reasons for declining jurisdiction.

28 U.S.C. § 1367(c).

Having reviewed the state law claims in Plaintiff's complaint, this Court concludes that Plaintiffs' state-law claims predominate. 28 U.S.C. § 1367(c)(2). In addition, the Court finds that the potential for jury confusion in this case would be great if Plaintiff's federal claim were presented to a jury along with her state-law claims. Thus, the potential for jury confusion is yet another reasons for this Court to decline to exercise supplemental jurisdiction over Plaintiff's state-law claims. *United Mine Workers v. Gibbs*, 383 U.S. 715 (1966); *Padilla v. City of Saginaw*, 867 F.Supp. 1309 (E.D. Mich. 1994); 28 U.S.C. § 1367(c)(4).

Accordingly, **IT IS ORDERED** that this Court **DECLINES TO EXERCISE SUPPLEMENTAL JURISDICTION OVER PLAINTIFFS' STATE-LAW CLAIMS** and Counts II, III, IV, V, and VI of Plaintiff's Complaint are hereby **DISMISSED WITHOUT PREJUDICE**.

IT IS SO ORDERED.

S/Sean F. Cox
Sean F. Cox
United States District Judge

Dated: May 14, 2012

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 14, 2012, by electronic and/or ordinary mail.

S/Jennifer Hernandez
Case Manager